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Attempt to reintroduce foreign pelagic trawlers in Senegalese waters – can the Council of Ministers authorise what is not legal?

by [Béatrice Gorez](#) (26/12/2012)

Extracts from the contribution of Dr Sogui Diouf, Veterinary, published on the APRAPAM website

The allocation of fishing licenses to foreign pelagic trawlers made the news in the last weeks: Senegalese were surprised to read the 13 December Council of Ministers press release, which read: ‘The Minister of Fisheries and Maritime Affairs discussed the issue relating to the granting of fishing licenses to foreign vessels’. The decision of the President of Senegal was to ‘extend the biological rest, and to freeze the granting of fishing licenses to foreign owners for a period of at least one year’.

Things need to be clarified: a fishing license is the document that industrial fishing vessel must have to be allowed to carry out fishing activities, while the biological rest is a fisheries management measure whose objective is to reduce fishing pressure and which, combined with other measures, can contribute positively to recovery of overexploited resources and support the sustainable exploitation of fisheries resources. The foreign vessels referred to in this press release are the pelagic freezer trawlers flying the flag of Russia, Lithuania and flags of convenience. These boats, commonly called the "Russian vessels" were illegally authorized by the former Minister, between 2010 and 2012, to fish in Senegalese waters. The decision of the President means therefore that he wants the freezing of the licensing of these vessels for at least one year.

What does Senegalese Law say? The Senegalese law (98–32 of 14 April 1998) states in Article 16: ‘fishing vessels flying foreign flags are allowed to operate in waters under Senegalese jurisdiction, either under a fisheries agreement between Senegal and the flag State or

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organization that represents the flag state state, or when chartered by natural or legal persons of Senegalese nationality'. Decree 98-498, article 23 further states that: "chartering foreign fishing vessels by legal persons of Senegalese nationality may be allowed only in exceptional cases, by the Minister of Marine Fisheries, to face supply difficulties of local processing industries." Pelagic freezer trawlers are not part of the list of chartered boats that are allowed.

The argument of the former Minister for issuing illegal fishing licences to the Russian vessels was that 'Some shared resources in the high seas, essentially sardines and mackerel, are insufficiently exploited by our national fleet (industrial and artisanal). The result is a loss for our country. Senegal has therefore sovereignly decided to exploit those resources for public benefit, like other countries in the subregion.

Such arguments don't hold water: first of all, sovereignty cannot be exercised illegally. Currently, there is no law or regulation in force that allows such fishing operation to happen. It will remain so, unless the legislation was to be changed.

Secondly, the sustainability of such operations targeting small pelagics is questionable:

- The CECAF/FAO Working Group assessment of small pelagic off North-West Africa, composed of experts from 14 countries, concluded at its last session held in May 2011 in Casablanca, that "the sardinella stock is currently overfished and such overfishing presents a serious risk to the continuity of industrial but also artisanal fleets activities";
- A lack of fish estimated at 3 million tonnes could also occur at the level of our sub-region by 2015 if such resources were to diminish drastically because of over exploitation (source Mariama Barry, CRODT);
- The 'Russian' trawlers are factory vessels of 100 to 120 meters in length and with tonnage between 3142 and 7765 GRT. Catches are either frozen on board, processed for human consumption, or transformed into fish oil and fish meal. The pelagic trawl gear they use is

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The benefits and

devastating, as they pick up everything in their path, pelagic fish as well as groundfish;

Changing the law, or signing a fisheries agreement with the flag states involved are the two possibilities for licensing such vessels – neither should be considered, given the state of overfishing of our resources and the poor fishing practices of these trawlers. Senegal has, by contrast with other countries of the region like Mauritania and Morocco, with which they share the small pelagic resources, a very active artisanal fleet targetting these stocks, which is responsible for 85% of the landings in the country. 80% of animal protein consumed by the 13 million Senegalese comes from fish, with a consumption of 26 kg / person / year. It provides 17% of direct and indirect jobs: 54,000 artisanal fishermen using 18,000 canoes. Finally, it represents 12.7% of export earnings.

Questions ○ Was it appropriate for the Ministry to submit to the Cabinet a proposal for the licensing of ‘Russian ships’, since the legislation does not allow it?

○ Cancelling these licenses in April, to propose to issue new ones in December seems a bit messy – how does that stand with the good governance promoted by the government?

○ If it was so important to licence these Russian ships, why not explore the legal possibilities that exist: a fisheries agreement or a amendment to the law, to be transmitted to the National Assembly for adoption?

Is not it time to finally close this painful episode which raises so much passion? One much more pressing issue is to find sustainable fishing possibilities for our fishermen from Saint Louis, as it is not safe to rely only on licenses provided by the fisheries agreement with Mauritania. Should this not concern us more than trying to licence Russian pelagic trawlers?

The full text is available in French, from the contribution of Dr Diouf ‘Tentative avortée de réintroduction de chalutiers pélagiques étrangers dans les eaux sénégalaises : le Conseil des Ministres peut-il autoriser ce que la Loi en vigueur ne permet pas’ on :

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